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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

PATRICE BUJARD

APPLICATION NO: 10/537,724

FILED: December 1, 2003

FOR: Flake-form pigments based on aluminum

Group Art Unit: 1611

Examiner: FRAZIER, BARBARA S.

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. 1.132

Sir:

I, Patrice Bujard, hereby declare as follows:

I am a physicist and hold the degree of PhD in Physic from Geneva University in Switzerland. I have worked in the field of organic and inorganic dyestuffs and pigments for 10 years directing efforts for the research and development of pigments for Ciba. Based on my education and experience, I consider myself to be an expert in the field of organic and inorganic pigments and related technology.

I'm currently employed by Ciba Specialty Chemicals and I'm inventor of the above-identified patent application.

In an attempt to further improve the protection against Al corrosion of SiO_2 ($0.70 \leq z \leq 2.0$) coated Al flakes while keeping their brightness, I have observed best results with respect to brightness and corrosion resistance for SiO_2 layers having a thickness of 250 to 350 nm.

Said finding is neither taught nor suggested by US5,624,486 and US6,013,370 and overcomes at least two obstacles not addressed in the cited art.

US5,624,486 (BASF) relates to luster pigments based on multiply coated plateletlike metallic substrates, especially aluminum flakes which are producible in a simple manner by stamping out of aluminum foil or by widely used atomization and grinding techniques, comprising A) a first layer consisting essentially of silicon oxide, aluminum oxide and/or aluminum oxide hydrate, B) a second layer consisting essentially of metal and/or nonselectively absorbing metal oxide, and C) if desired, a third layer consisting essentially of colorless or selectively absorbing metal oxide. The pigments of US5,624,486 show not only a virtually unchanged strong metallic luster, but also a strong interference color.

US6,013,370 (Flex) teaches to coat PVD Al flakes with a dielectric to improve their mechanical properties. This allows to keep the flakes flat and hence to keep the brightness during the application.

While thicker layers will give greater protection to the Al flakes, brightness may suffer and other unwanted color effects are introduced. The present invention has provided a layer which maximizes the desired protection and brightness aspects of the resulting flake.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed, this day *11* of February, 2009


Patrice Bujard